

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

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|------------------------------------|---|-------------------------------|
| EMANUEL THOMAS NEWMAN, | : | CIVIL NO. 1:CV-01-0677 |
| Plaintiff | : | |
| | : | (Judge Conner) |
| v. | : | |
| | : | |
| RONALD L. JURY, Lieutenant, | : | |
| SIS, et al., | : | |
| Defendants | : | |

ORDER

AND NOW, this 21st day of April, 2004, upon consideration of plaintiff's motion to "modify/restrict the use of peremptory challenges," in which plaintiff seeks a court order requiring that both parties receive the same number of peremptory challenges and that defendants do not use the majority of their peremptory challenges to exclude African Americans from jury service, it is hereby ORDERED that plaintiff's motion (Doc. 109), is DENIED. All parties will receive the number of peremptory challenges as provided by 28 U.S.C. § 1870. See Fed.R.Civ.P. 47. Moreover, the court will not engage in managing either parties' trial strategy or restrict their use of peremptory challenges without reason to do so. The court presumes that the parties will adhere to the Supreme Court's mandate in Edmonson v. Leesville Concrete Co., Inc., 500 U.S. 614, 111 S.Ct. 2077 (1991), that a private litigant in a civil case may not use peremptory challenges to exclude jurors

on the basis of their race. If, however, after jury selection, Newman believes defendants acted improperly, he may place an objection on the record which the court will then address.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge